

OFFICE OF
CHARLES A. FRANCIS
CHIEF JUDGE
SECOND JUDICIAL CIRCUIT

Attachment # 2
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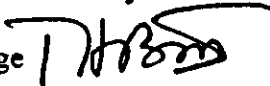
MARILYN RETT
JUDICIAL ASSISTANT
PHONE: (850) 577-4306
FAX: (850) 922-0327



LEON COUNTY COURTHOUSE
301 SOUTH MONROE STREET
TALLAHASSEE, FLORIDA 32301

MEMORANDUM

TO: Parvez Alam, County Administrator, Leon County

FROM: Thomas Bateman III, Acting-Chief Judge 

RE: County Ordinance Authorizing Assessment of Additional Court Costs

DATE: May 14, 2004

This request is extremely important to the 2^d Judicial Circuit of Florida to ensure adequate funding of the court system. As you know, current forms of significant revenue are to be rescinded effective July 1, 2004 by various Article V legislation. However, other forms of new revenue have been provided by the Florida Legislature.

CS for CS for SB 2962, as enrolled, amends section 939.185, Florida Statutes, and allows the county commission to adopt an ordinance authorizing an additional court cost, not to exceed \$65.00, to be imposed by the court when a person pleads guilty or nolo contendere to, or is found guilty of, any felony, misdemeanor, or criminal traffic offense under the laws of this State.

The funds collected pursuant to this ordinance shall be used for the following purposes, as explicitly authorized by statute:

1. Twenty-five percent of the amount collected shall be allocated to fund innovations to supplement state funding for the essential elements of the state courts system which are identified in section 29.004, Florida Statutes, and county funding for local requirements under section 29.008(2)(a)2, Florida Statutes.
2. Twenty-five percent of the amount collected shall be allocated to assist Leon County in providing legal aid programs required under section 29.008(3)(a), Florida Statutes.
3. Twenty-five percent of the amount collected shall be allocated to fund personnel and legal materials for the public as part of a law library

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4. Twenty-five percent of the amount collected shall be used as determined by the Board of County Commissioners of Leon County to support teen court programs, juvenile assessment centers and other juvenile alternative programs.

The legislation provides that any unspent funds at the close of the county fiscal year, allocated under subparagraphs 2, 3 and 4, shall be transferred for use pursuant to subparagraph 1 of the ordinance.

A second applicable provision in CS for CS for SB 2962, as enrolled, amends section 318.18 (13), Florida Statutes, stating that "In addition to any penalties imposed for noncriminal traffic infractions pursuant to Chapter 318 or imposed for criminal violations listed in Section 318.17, a board of county commissioners or any unit of local government...(a) May impose by ordinance a surcharge of up to \$15 for any infraction or violation to fund state court facilities. The court shall not waive this surcharge."

Both sources of funding are critical to continuing existing court operations. It is urgent that we get this ordinance in place so that the assessment of these costs can begin July 1, 2004.